

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

BRYCE JACKSON,

Plaintiff,

v.

D.A. COOLE, K. WALKER, CHRIS  
BOWMAN and MRS. MCCOY,

Defendants.

NO: 4:16-cv-05066-SAB

ORDER ADOPTING REPORT AND  
RECOMMENDATION AND  
DISMISSING COMPLAINT

**1915(g)**

Magistrate Judge Mary K. Dimke filed a Report and Recommendation on August 30, 2016, recommending Mr. Jackson's complaint be dismissed without prejudice. ECF No. 10. Plaintiff had failed to allege any facts against the named Defendants, *Taylor v. List*, 880 F.2d 1040, 1045 (9th Cir. 1989), and his allegations were insufficient to invoke procedural due process protections under *Sandin v. Conner*, 515 U.S. 472, 483-487 (1995).

ORDER ADOPTING REPORT AND RECOMMENDATION AND  
DISMISSING COMPLAINT -- 1

1 Plaintiff, a prisoner at the Washington State Penitentiary, is proceeding *pro*  
2 *se* and *in forma pauperis*; Defendants have not been served. Although granted the  
3 opportunity to do so, Plaintiff did not amend his complaint to cure the deficiencies.  
4 He has filed nothing further in this action and has no objections to the report.

5 **ACCORDINGLY, IT IS HEREBY ORDERED:**

6 1. The Court **ADOPTS** the Report and Recommendation, ECF No. 10, in its  
7 entirety.

8 2. The Complaint is **DISMISSED without prejudice** for failure to state a  
9 claim upon which relief may be granted under 28 U.S.C. §§ 1915(e)(2) and  
10 1915A(b)(1).

11 3. Pursuant to 28 U.S.C. § 1915(g), a prisoner who brings three or more civil  
12 actions or appeals which are dismissed as frivolous or for failure to state a claim  
13 will be precluded from bringing any other civil action or appeal *in forma pauperis*  
14 “unless the prisoner is under imminent danger of serious physical injury.” 28  
15 U.S.C. § 1915(g). **Plaintiff is advised to read the statutory provisions under**  
16 **28 U.S.C. § 1915. This dismissal of Plaintiff's complaint may count as one of**  
17 **the three dismissals allowed by 28 U.S.C. § 1915(g) and may adversely affect**  
18 **his ability to file future claims.**

19 //

20 //

ORDER ADOPTING REPORT AND RECOMMENDATION AND  
DISMISSING COMPLAINT -- 2

1       **IT IS SO ORDERED.** The District Court Executive is directed to **enter**  
2 this Order, **enter** judgment, **forward** copies to Plaintiff at his last known address,  
3 and **close** the file. The District Court Executive is further directed to **forward** a  
4 copy of this Order to the Office of the Attorney General of Washington,  
5 Corrections Division. The Court certifies any appeal of this dismissal would not  
6 be taken in good faith.

7       **DATED** this 16th day of September, 2016.



11 A handwritten signature in blue ink, reading "Stanley A. Bastian", is written over a horizontal line.

12 Stanley A. Bastian  
13 United States District Judge  
14  
15  
16  
17  
18  
19  
20